

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:04cr40**

UNITED STATES OF AMERICA,

Vs.

STEPHEN ARTHUR LACY.

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ORDER

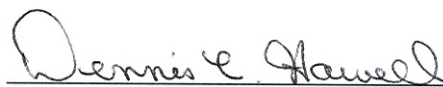
THIS MATTER is before the court upon defendant's Motion to Determine Competency, which was filed November 12, 2004. Upon the filing of such motion, the undersigned entered an Order on November 18, 2004, requiring a mental health evaluation to determine in accordance with 18, United States Code, Sections 4241 and 4244 whether defendant is presently insane or otherwise so mentally incompetent as to be unable to understand the criminal proceedings against him or properly assist in his defense. Further, the undersigned directed that such evaluation include consideration of whether at the time of commission of the alleged offenses, defendant was criminally responsible. 18 U.S.C. § 4242.

An extensive evaluation of defendant was conducted at FMC Butner, and a report issued April 11, 2005, signed by a staff psychologist of such medical facility. The mental health professionals concluded that defendant did not suffer from a mental disease or defect at the time of the offenses that would make him unable to appreciate the nature and quality or wrongfulness of his actions. Further, it was concluded that he is not presently suffering from any such disease or defect, and that he is able to understand the nature and

consequences of the proceedings and assist in his own defense. After close review of the report, and having conducted a hearing, the undersigned concurs in such findings. In addition, counsel for the respective parties stipulated to such a finding at the April 27, 2005, competency hearing. Having considered defendant's motion and reviewed the pleadings, including sealed materials, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Determine Competency is **ALLOWED**, and the court finds that defendant **IS** competent in that defendant did not suffer from a mental disease or defect at the time of the offenses that would make him unable to appreciate the nature and quality or wrongfulness of his actions and that defendant is not presently suffering from any such disease or defect, and that he is able to understand the nature and consequences of the proceedings against him and assist in his own defense.



Dennis L. Howell
United States Magistrate Judge

